



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

SENT VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Arthur Astle
560 Lancaster Pike
Oxford, Pennsylvania 19363

RE: CWA Section 308 Information Requirement

Dear Mr. Astle:

The United States Environmental Protection Agency ("EPA") hereby requires that Carey Farms, Inc. provide certain information regarding the Arthur Astle Farm swine operation located at 643 Street Road, Oxford, PA 19363 ("Facility"). EPA requires this additional information as a part of its investigation of the Facility's compliance with the Clean Water Act ("CWA"), 33 U.S.C. § 1251, and the regulations promulgated thereunder.

Compliance with this Information Requirement is mandatory. Failure to respond fully and truthfully to the Information Requirement in accordance with deadlines set forth in the Information Requirement, or to adequately justify such failure to respond, can result in enforcement action by EPA pursuant to Section 309 of the CWA, 33 U.S.C. § 1319. Please note that the provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

You are entitled to assert a business confidentiality claim, covering all or part of the information which this letter requires. Any such claim should be made in accordance with the procedures described at 40 C.F.R. § 2.203(b). In the event that you assert a claim of business confidentiality with respect to any document, you should provide EPA with a redacted version of the document which does not contain any claimed business confidential information and which can be distributed to the public if requested. EPA will provide the public with information subject to a claim of business confidentiality only in accordance with the procedures set forth at 40 C.F.R. Part 2, Subpart B. Unless a confidentiality claim is asserted at the time the required information is provided, EPA may make this information available to the public without further notice to you.

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501.

If you have any factual questions concerning this information request, please contact Mr. Mark Zolanz at (215) 814-2319.

Sincerely,

Richard A. Rogers, Chief
Water Branch
Enforcement and Compliance Assurance Division

Enclosure

cc: *via electronic mail*

Scott Arwood, DEP (sarwood@pa.gov)
Desiree Dudley-Henning, DEP (dhennigdu@pa.gov)
David Gates, DEP (dagates@pa.gov)
Theia Hofstetter, DEP (thhofstett@pa.gov)
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Jill Whitcomb, DEP (jiwhitcomb@pa.gov)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

In the Matter of:

Arthur Astle
560 Lancaster Pike
Oxford, PA 19363

Respondent

:
:
:
Proceeding under Section 308 of the
Clean Water Act, 33 U.S.C. § 1318

INFORMATION REQUIREMENT

I. STATUTORY AUTHORITY

1. This Information Requirement is issued under the authority vested in the United States Environmental Protection Agency (EPA) by Section 308 of the Clean Water Act (CWA), 33 U.S.C. § 1318. The Administrator of the EPA has delegated this authority to the Regional Administrator of EPA Region III who in turn has delegated it to the Director of the Enforcement and Compliance Assurance Division of EPA Region III, who in turn has delegated it to the Chief of the Water Branch. EPA hereby requires Arthur Astle (“Respondent”) to provide the information specified below.

II. STATUTORY AND REGULATORY BACKGROUND

2. EPA is authorized under Section 308 of the CWA, 33 U.S.C. § 1318, to require owners and operators of point sources to establish records and make such reports as may be necessary to carry out the purpose of the CWA, including but not limited to:
 - a. developing or assisting in the development of any effluent limitation, or other limitation, prohibition, effluent standard, pretreatment standard, or standard of performance under the CWA;
 - b. determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, or standard of performance;
 - c. any requirement under Section 308 of the CWA; and

- d. carrying out Sections 305, 311, 402, 404, and 504 of the CWA.
- 3. Failure to respond as directed to a CWA Section 308 Information Requirement is punishable under the civil and criminal provisions of Section 309 of the CWA, which provide for the assessment of penalties, injunctive relief and imprisonment. Providing misleading or false information may subject you to civil and criminal sanctions. The information you provide may be used by EPA in administrative, civil or criminal proceedings.
- 4. You may assert a business confidentiality claim covering all or part of the information submitted in response to this Requirement in the manner described in 40 C.F.R. Part 2 Subsection B. Information covered by a business confidentiality claim will be disclosed by EPA only to the extent and by means of the procedures set forth in Subpart B, 40 C.F.R. Part 2. If no claim of confidentiality accompanies the information submitted when it is received by EPA, it may be made available to the public by EPA without further notice. You may not withhold any information from EPA on the grounds that it is confidential business information.
- 5. This inquiry is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act 44 U.S.C. Chapter 35. (See 5 C.F.R. Section 1320.3(c)).
- 6. This Information Requirement does not preclude EPA from performing inspections.

III. INSTRUCTIONS

- 7. Provide a separate narrative response for each question set forth below and for each subpart of each question.
- 8. Identify each answer with the corresponding number of the question and subpart to which it responds.
- 9. State the name, address, email address, telephone number, and occupation of each person providing responses, or contributing information to responses, to each request for information below.
- 10. Provide all documents in your possession which relate to the responses given. With respect to each document, identify the date, author, addressee, current location, and custodian and identify the question or subpart to which it relates.
- 11. Answer each question to the extent possible. If any question cannot be answered in full, explain why to the extent possible. If your responses are qualified in any manner, please explain.
- 12. If information or documents unknown or unavailable to you as of the date of your response to this request become known or available to you after submitting your response to the request, you must supplement your response to EPA. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide a corrected response.
- 13. Each submission pursuant to this request must be accompanied by the following certification and must be signed by Respondent.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for known violations."

Signed: _____

Title: _____

Date: _____

14. All information shall be submitted within thirty (30) days of receipt of this Information Requirement electronically to:

Mark Zolandz
Enforcement and Compliance Assurance Division
United States Environmental Protection Agency, Region III
1650 Arch Street (3ED32)
Philadelphia, PA 19103-2029
zolandz.mark@epa.gov

If you are unable to send requested documentation electronically, please contact Mr. Mark Zolandz via phone or email to discuss alternate delivery methods. In both your message and written response, please indicate the specific information requested by EPA that you are unable to provide electronically.

15. If you have questions regarding this Information Requirement, you may contact Mr. Mark Zolandz of the Enforcement and Compliance Assurance Division at zolandz.mark@epa.gov or (215) 814-2319.

IV. DEFINITIONS

16. All terms not identified herein shall have their ordinary meaning, unless such terms are defined in the CWA, 33 U.S.C. § 1326, or its implementing regulations found at 40 C.F.R. Parts 122 and 412, in which case the statutory or regulatory definition shall apply.
17. The term "animal feeding operation" or "AFO" is a lot or facility where (a) animals have been, are, or will be stabled or confined and fed or maintained for 45 days or more in any twelve-month period and (b) crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Two or more AFOs under common ownership are considered to be a single AFO for purposes of determining the number of animals at an operation, if they adjoin each other or if they use a common area or system for the disposal of wastes.
18. The term "concentrated animal feeding operation" or "CAFO" is an AFO that is defined as a Large CAFO as defined in 40 C.F.R. §122.23(b)(4), is defined as a Medium CAFO as defined in 40 C.F.R.

§122.23(b)(6), or is designated as a CAFO in accordance with 40 C.F.R. §122.23(c).

19. The term “manure” includes manure and other materials commingling with manure (include but not limited to bedding, compost, and raw materials) and set aside for disposal.
20. The term “nutrient management plan” means any nutrient management plan, comprehensive nutrient management plan, animal waste management plan, manure management plan, conservation plan, or any other farm specific document that addresses the requirements set forth in 40 C.F.R. §122.42(e)(1).

V. INFORMATION REQUIREMENT

The Respondent is hereby required, pursuant to Section 308 of the CWA, 33 U.S.C § 1318, to submit the following information to EPA within thirty (30) calendar days of receipt of this Information Requirement:

21. Provide the following information for the Arthur Astle Farm swine operation located at 643 Street Road, Oxford, PA 19363 (“Facility”):
 - a. Type of livestock stabled or confined.
 - b. Current number of livestock stabled or confined.
 - c. Number of swine barns.
 - d. Total swine capacity (for each house separately and for entire farm collectively).
 - e. Number of manure storages.
 - f. Total capacity of manure storage(s), in gallons.
 - g. Mortality management method of disposal.
22. Provide copies of all National Pollutant Discharge Elimination System (“NPDES”) CAFO Notice of Intent (“NOI”) and/or individual permit applications that were submitted to the Pennsylvania Department of Environmental Protection (“DEP”) from January 1, 2016 to the present.
23. Provide copies of all NPDES CAFO permit authorization and/or approval letters from DEP approving and granting NPDES CAFO permit coverage from January 1, 2016 to the present.
24. Provide copies of the current nutrient management plan and any previous nutrient management plan(s) dated January 1, 2018 or later.
25. Provide copies of the current erosion and sediment control (E&S) plan and any previous E&S plan(s) dated January 1, 2018 or later.
26. Provide copies of the current preparedness, prevention and contingency (PPC) plan and any previous PPC plan(s) dated January 1, 2018 or later.
27. Provide copies of all land application records for the land application of manure, litter, and/or process wastewater from January 1, 2018 to the present, including, at a minimum:
 - a. Maps of fields for land application with individual fields identified.
 - b. The application method, rate, date, and field location of each land application.

28. Provide copies of all CAFO Manure Exportation Reports, or equivalent documentation of manure transfers off-site, from January 1, 2018 to the present, including, at a minimum:
 - a. The name (and address, if available) of recipient of the exported manure.
 - b. The date and amount of manure exported.
29. Provide copies of all manure, litter, and process wastewater sampling results from January 1, 2018 to the present.
30. Provide copies of the all CAFO Annual Reports from January 1, 2018 to the present.
31. Provide copies of CAFO General Self-Inspection Reports and CAFO Manure Storage Self-Inspection Reports, or equivalent documentation of self-inspections, including inspection dates, from January 1, 2018 to the present, including:
 - a. Weekly inspections of the manure storage facilities, including freeboard, available storage capacity, and visible problems.
 - b. Weekly inspections of any devices channeling contaminated stormwater to manure storage facilities, stormwater diversion devices, and runoff diversion structures.
 - c. Weekly inspections of leak detection systems, subsurface drains and related structures or equipment.
32. Provide copies of Existing Earthen Manure Storage Facility Inspection Reports, or equivalent documentation, from January 1, 2018 to the present.
33. Provide copies of Winter Period Application of Manure Notification Forms, from January 1, 2018 to the present.
34. Provide copies of CAFO Non-Compliance Reporting Forms from January 1, 2018 to the present.
35. Provide copies of any and all notices of violation, orders, penalty assessments, or other enforcement actions issued by DEP and/or the Chester County Conservation District from January 1, 2016 to the present.

VI. EFFECTIVE DATE

This INFORMATION REQUIREMENT is effective upon receipt.

Date: _____

Richard A. Rogers, Chief
Water Branch
Enforcement and Compliance Assurance Division